

CIVIL COURT OF THE CITY OF NEW YORK  
COUNTY OF NEW YORK, Housing Part

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***RESPONDENT***  
***DEMANDS JURY TRIAL***

Peter Magnone,

Petitioner-Landlord,

Index No. L&T  
07N092992

-against

***ANSWER***

Jandy Warner,

Respondent-Tenant.

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Respondent-tenant, by her attorney A. M. Bentley, P.C., as and for an answer to the petition, alleges upon information and belief as follows:

1. Denies the allegations of ¶¶ 6, 7, and 9 of the petition.
2. Denies the allegations of ¶ 2 of the petition but admits respondent executed a document on 12/29/06 which was mailed to and received by petitioner, but has not been returned fully executed by him.
3. Denies knowledge or information sufficient to form a belief as to the truth of the allegations of ¶ 1 of the petition.
4. Denies ¶ 8 of the petition but admits receiving the two documents annexed hereto as Exhibits "A" and "B" respectively.

**DEFENSES**

5. This Court has not jurisdiction of the subject matter of this proceeding.
6. Petitioner lacks capacity to sue.

7. The petition fails to state a cause of action upon which relief may be granted.

8. This Court has not jurisdiction of the person of the defendant.

9. The amount demanded has been held to be illegal by the doctrine of law of the case.

10. The amount demanded is subject to offset in an amount greater than that demanded.

11. The Court should not proceed in the absence of a person who should be a party.

#### COUNTERCLAIMS

12. Respondent-tenant is entitled to her attorneys fees incurred in the defense of this proceeding in the event of respondent's success herein.

13. Respondent-tenant is entitled to her attorneys fees incurred in the defense of the prior recent proceeding between the parties as per order of the Court in dismissing such proceeding.

Dated:  
New York, NY  
October 28, 2007

/s/A.M.B.P.C.  
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TO:

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